

**IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

CASE NO. 23-10874-D

BHPH CONSULTING SERVICES, LLC d/b/a BHPH CAPITAL
SERVICES, a Georgia limited liability company; SEAN
FOUZAILOFF, an individual; and ANATOLIY SLUTSKIY, an
individual,

Appellees,

v.

TECHNOLOJOY, LLC, a Florida limited liability company; and
IBRAHIM F. ALGAHIM, an Individual,

Appellants.

Appeal from the United States District Court for the Southern
District of Florida
Case No.: 1:19-cv-23770-FAM

APPELLEES' RESPONSE TO JURISDICTIONAL QUESTION

Appellees, BHPH CONSULTING SERVICES, LLC d/b/a BHPH
CAPITAL SEVICES, SEAN FOUZAILOFF, and ANATOLY SLUTSKIY
("Appellees"), file this Response to the Court's Jurisdictional
Question, and allege the following:

1. Appellants failed to "distinctly and affirmatively" allege diversity
and therefore it is unclear the court had jurisdiction

under: *McGovern v. Am. Airlines, Inc.*, 511 F.2d 653, 654 (5th Cir. 1975) (“When jurisdiction depends on citizenship, citizenship should be distinctly and affirmatively alleged.” (quotation marks omitted)); *Travaglio v. Am. Express Co.*, 735 F.3d 1266, 1269 (11th Cir. 2013) (explaining that to establish diversity jurisdiction with respect to a natural person, the pleadings must allege the person’s citizenship or domicile, and an allegation of residence is insufficient).

2. Please see “Exhibit I” for the Certificate of Interested Persons and Corporate Disclosure Statement filed by Defendants on April 26, 2023.

WHEREFORE, Appellees request that the Court enter an Order certifying that diversity jurisdiction does not exist for failure to plead under *McGovern* and *Travaglio*.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was filed electronically on May 8, 2023, via the Court’s e-filing portal and that a copy of the foregoing will be served via electronic notification on all counsel parties of record in the Court’s e-filing portal or some other authorized manner for those counsel or parties who are not

authorized to received electronic notification from the Court's e-filing portal via mail or email as they have made available.

Respectfully submitted,

/s/ Matt Person

Matthew Person

Person Law

Attorney for Appellees

Florida Bar Number: 103754

9560 NW 41 Street

Doral, FL 33178

Telephone: (305) 640-5754

Fax: (888) 402-6190

E-Mail: matt@personlawoffices.com

Secondary E-Mail:

service_personlaw@yahoo.com

EXHIBIT I

U.S. COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

**CERTIFICATE OF INTERESTED PERSONS
AND CORPORATE DISCLOSURE STATEMENT (CIP)**

Technolojoy, LLC vs. **BHPH Consulting Services, LLC, et al.** Appeal No. **23-10874-D**

11th Cir. R. 26.1-1(a) (enclosed) requires the appellant or petitioner to file a Certificate of Interested Persons and Corporate Disclosure Statement (CIP) with this court within 14 days after the date the case or appeal is docketed in this court, and to include a CIP within every motion, petition, brief, answer, response, and reply filed. Also, all appellees, intervenors, respondents, and all other parties to the case or appeal must file a CIP within 28 days after the date the case or appeal is docketed in this court. **You may use this form to fulfill these requirements.** In alphabetical order, with one name per line, please list all trial judges, attorneys, persons, associations of persons, firms, partnerships, or corporations that have an interest in the outcome of this case or appeal, including subsidiaries, conglomerates, affiliates, parent corporations, any publicly held corporation that owns 10% or more of the party's stock, and other identifiable legal entities related to a party.

(please type or print legibly):

Ibrahim Algahim: 100% sole owner of Technolojoy, LLC

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